



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: October 6, 2011
Applicant: Daniela DeLeon/The Tire Source
Case No.: PCC-11-043
Address: 908 Third Ave., Chula Vista, Ca.
A.P.N.: 619-010-41-00
Project Planner: Richard Zumwalt, A.I.C.P., Associate Planner

Notice is hereby given that on October 6, 2011, the Zoning Administrator considered Conditional Use Permit Application PCC-11-043 filed by Daniela DeLeon for the Tire Source, to permit minor auto repair uses that will be limited to tire sales and installation only. The Project Site is zoned Central Commercial (CC) with a General Plan designation of Mixed Use Residential (MUR). The Property is owned by Dr. Iman Mikhail ("Property Owner"). The proposed project and land use is more specifically described below:

The request is to grant a Conditional Use Permit to use an existing 5,096 square foot commercial building for tire sales and installation. The site also includes 13 parking spaces, an existing pole sign, and landscaping. The existing lot is 15,697 sq. ft. in size, is located at 908 Third Avenue. Minor auto repair uses such as tire sales and installation are permitted upon approval of a Conditional Use Permit (CUP) in the CC zone pursuant to C.V.M.C. 19.36.030(F). Since the project involves the utilization of an existing building without substantial expansion or remodeling, processing of an Administrative CUP is permitted.

The Director of the Development Services Department has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 A of the Chula Vista Municipal Code, has been able to make the Conditional Use Permit findings as required by CVMC Section 19.14.080:

That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.

Approval of the project will allow the applicant to provide a higher level of services to the community, specifically tire sales and installation. The neighborhood is developed with a mixture of retail and automobile-related businesses, and public/quasi-public uses such as a hospital and a golf course. The project location is desirable for provision of minor auto repair/

tire sales and installation services because the site is in a highly visible, automobile-oriented, and conveniently accessible location near the major intersection of L Street and Third Avenue.

That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The project will operate within an existing building and utilize the existing parking lot, pole sign, and landscaping. No additional construction of permanent structures is proposed, however the building will be re-painted to improve its appearance. The project is located in a commercially-zoned area, so the tire sales and installation use will not adversely affect any residential properties, and will be conditioned to avoid or minimize potential impacts to other adjacent properties. The parking lot will include 13 parking spaces and upgraded landscaping and signage. For these reasons, the proposed use will not adversely impact the surrounding neighborhood, and will not be detrimental to the health, safety, and welfare of the persons, property and improvements in the vicinity.

That the proposed use will comply with the regulations and conditions specified in the code for such use.

The use requires the Applicant and Property Owner to fulfill conditions and to comply with all applicable regulations and standards specified in the City's Municipal Code. The conditions of this permit are approximately in proportion to the nature and extent of the impacts created by the use in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the use. The use complies with all regulations and conditions specified in the CVMC, including the CC zone, as established under Conditional Use Permit PCC-11-043. The project conditions of approval will require the operation to be in continuing compliance with all applicable city codes and regulations.

That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

The City General Plan designates the site for Mixed Use Residential uses, and the area is envisioned to develop with a mixture of uses, including mixed-use residential, retail, services, and offices. The property is zoned CC, which permits minor auto repair uses upon approval of a Conditional Use Permit. The General Plan does not contain specific policies which would preclude approval of Conditional Use Permits under the existing zoning, and minor auto repair uses such as tire sales and installation are considered retail and service uses that are permitted in the Mixed Use Residential designation. As conditioned, the use will be consistent with and will not alter the land use patterns of the area, and it will not adversely effect the implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-11-043 as described above subject to the following conditions:

The following conditions shall apply to the Project Site, and the Applicant or successor-in-interest shall satisfy these conditions within 90 days of the date of this decision, or at the timeframe specified in the condition. Upon completion, the Applicant shall remain in compliance with the conditions as long as the Project relies upon this approval:

PLANNING DIVISION

1. The Project Site shall be developed and maintained in accordance with the PCC-11-043 approved plans, which include site plans and floor plans on file in the Planning Division, the conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Applicant or Authorized Representative

Date

3. The existing landscaping and irrigation shall be restored by removing any dead trees, shrubs and plants, repairing the irrigation system, and re-planting and re-establishing planting in the existing planting areas on the site. Utilize the City's Water Smart Landscape program guidelines to reduce maintenance and irrigation costs.
4. The applicant shall install new or upgrade decorative vinyl-coated chain link fencing with redwood or similar slats along the side (north) property line. The chain link fence that is proposed to screen the rear portion of the lot from the parking lot shall be constructed of decorative materials and include a gate. The gate shall be reviewed and approved by the Fire Department. If cars or materials are to be stored outside in the rear portion of the lot, the fence and gate shall include a solid screening material such as redwood or similar slats.
5. The building shall be re-painted as shown on the approved elevations.

6. Prior to construction and installation of signs, the Applicant shall apply for and obtain a sign permit for any new or re-faced site/business identification signs from the Development Services Department in accordance with the Chula Vista Municipal Code Chapter 19.60.
7. The Environmental Services Program Manager has determined that the project will be classified as a small quantity generator of recycling and solid waste material, which requires cart service only. Construction of a trash enclosure is not required as long as the sole use conducted on the site is tire sales and installation. A change in use requiring re-evaluation of the trash and recycling services may require construction of a trash/recycling enclosure to the satisfaction of the Environmental Services Program Manager and Director of Development Services.

BUILDING DIVISION

8. Approval of a building permit is not be required if no remodeling or structural changes to the building that would require a permit are proposed, and the existing structure complies with Building Permit #16049, approved 2/26/82. The Applicant and Property Owner shall ensure that the building is maintained in compliance with the approved building permit.
9. A permit or inspection from the Building Division may be required if any changes are made to the handicapped parking or access in order to obtain compliance with the State of California Handicapped Accessibility requirements.
10. Tire storage racks will be 6 feet in height or less and therefore do not require approval of a building permit.

ENGINEERING DIVISION

After establishment of the use, the project shall operate in compliance with the following to the satisfaction of the Land Development Division:

11. Operation of this project shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Permit, Order No. R9-2007-0001 (Municipal Permit), the City of Chula Vista Standard Urban Storm Water Mitigation Plan (SUSMP), the Chula Vista Municipal Code Chapter 14.20, and the latest approved version of the City of Chula Vista Development Storm Water Manual.
12. If the Applicant is required to obtain a building permit for required site improvements that exceed \$34,582.52, then the Applicant will also be required to process a construction permit to construct missing, or damaged street improvements along the frontage of the property. These street improvements include, but are not limited to the following:
 - a. Removal and replacement of any broken curb, gutter or sidewalk as determined by the City Engineer.
 - b. All sidewalks, pedestrian ramps, and driveways that do not comply with the City of Chula Vista's Design Standards and ADA requirements

FIRE DEPARTMENT

The following conditions or improvements must be provided prior to commencement of operations and will be enforced during the annual inspection process by the Fire Department:

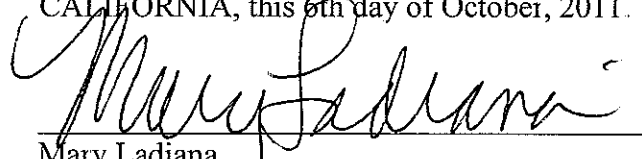
13. This project will require a fire flow of 2,000 gallons per minute for a 2-hour duration (at 20psi).
14. Provide a water flow letter from the Sweetwater Authority indicating that the above mentioned fire flow is available to serve this project.
15. Fire lane / signs will be required to be placed in the existing drive aisle.
16. The building(s) shall be provided with one Knox Vault at the main entrance to the building.
17. The building(s) shall be addressed in accordance with the following criteria:
 - a. 0 – 50 ft. from the building to the face of the curb = 6-inches in height with a 1-inch stroke.
18. Obtain a Fire Permit from the Fire Department for Repair Garages.
19. Provide one fire extinguisher for every 3000 square feet and 75 feet of travel in any direction.
20. Submit a floor plan for review and approval by the Fire Department, showing the layout of the tire storage, and that tire storage will not exceed 6 feet in height.
21. Operation of high pile storage facility with storage over 8 feet in height may require installation of automatic sprinklers and additional fire hydrant(s).
22. The chain-link fencing across the driveway in the rear portion of the lot shall include an entry gate and be provided with a Knox box or similar device.

Upon certification by the Development Services Department for occupancy or establishment of use allowed by this Conditional Use Permit, the following conditions shall apply:

23. Hours of operation shall be limited to Monday-Sunday, 7:00 am to 9:00 pm.
24. The business shall be limited to tire sales and installation only. All tire sales, installation, and other auto-related activities shall be conducted inside the building.
25. Storage of materials and vehicles in outside areas shall be screened from public view by solid walls or fencing, and materials shall not extend above the height of the fencing.

26. The Project shall operate in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
27. If a formal complaint regarding failure to comply with any conditions of approval of this Conditional Use Permit is received by the Director of Development Services, or if the Director determines that a failure to comply with conditions of approval this Conditional Use Permit has occurred, then the Director has the discretion to initiate an investigation which may include requesting the applicant to submit plans, technical studies, or other information deemed necessary to review the current Conditional Use Permit. After review, the Director has the discretion to either maintain the existing Conditional Use Permit, modify the Conditional Use Permit, or revoke the Conditional Use Permit, pursuant to the requirements of CVMC Section 19.14.270.
28. This Conditional Use Permit authorizes only the use specified in the application for PCC-11-043. Any new use, modification/expansion of use, or activities not authorized under this Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.
29. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
30. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
31. Applicant and his/her successors in interest agree to defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action or proceeding against the City, or its agents, officers or employees, to attack, set aside, void or annul any approval by the City, including approval by its Planning Commission, City Council or any approval by its agents, officers, or employees with regard to this Conditional Use Permit, provided the City promptly notifies the Applicant of any claim, action or proceeding and on the further condition that the City fully cooperates in the defense.
32. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 6th day of October, 2011.



Mary Ladiana,
Zoning Administrator

Cc: Daniela De Leon, 1137 Third Ave. Chula Vista, Ca. 91911
Miguel Tapia, Senior Planner
Sandra Hernandez, Engineering
Richard Gari, Fire Department

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